

UNITED STATES DISTRICT COURT  
for the  
Northern District of Ohio

R. David Wolfe, on behalf of himself and all others

)

similarly situated

Plaintiff

)

)

v.

Civil Action No. 1:12-cv-02776

Morry Weiss, et al.

)

)

Defendant

)

**SUMMONS IN A CIVIL ACTION**

To: (Defendant's name and address)

IRVING I. STONE FOUNDATION

Agent/Registrant Information

Gary Weiss

One American Road

Cleveland, Ohio 44144

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Joel Levin, Esq.

Levin & Associates Co., L.P.A.  
1301 East 9th Street, Suite 1100  
Cleveland, Ohio 44114

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Geri M. Smith  
CLERK OF COURT

Date: 01/25/2013

s/Shawn Harrigan

Signature of Clerk or Deputy Clerk



Civil Action No.

**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for (name of individual and title, if any) Irving I. Stone Foundation  
 was received by me on (date) 01/28/2013.

- I personally served the summons on the individual at (place) \_\_\_\_\_  
 on (date) \_\_\_\_\_; or
- I left the summons at the individual's residence or usual place of abode with (name) \_\_\_\_\_  
 , a person of suitable age and discretion who resides there,  
 on (date) \_\_\_\_\_, and mailed a copy to the individual's last known address; or
- I served the summons on (name of individual) \_\_\_\_\_, who is  
 designated by law to accept service of process on behalf of (name of organization) \_\_\_\_\_  
 on (date) \_\_\_\_\_; or
- I returned the summons unexecuted because \_\_\_\_\_ ; or
- Other (specify): Certified Mail, Service by Clerk on 1/29/2013

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00

I declare under penalty of perjury that this information is true.

Date: 01/30/2013s/Barbara L. Birr*Server's signature*Deputy Clerk*Printed name and title*

801 West Superior Avenue  
 Cleveland, Ohio 44113

*Server's address*

Additional information regarding attempted service, etc:

UNITED STATES POSTAL SERVICE



First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

\* Sender: Please print your name, address, and ZIP+4 in this box \*

OFFICE OF THE CLERK  
CARL B. STOKES U.S. COURTHOUSE  
801 WEST SUPERIOR AVE.  
CLEVELAND, OH 44113

DA SENDER INFORMATION ON MAILPIECE

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

IRVING J. STONE FOUNDATION  
GARY WEISS  
ONE AMERICAN ROAD  
CLEVELAND, OH 44144

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X *Lance Loh*

Agent  
 Addressee

B. Received by (Printed Name)

C. Date of Delivery

1-29-13

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Certified Mail | <input type="checkbox"/> Express Mail                   |
| <input type="checkbox"/> Registered                | <input type="checkbox"/> Return Receipt for Merchandise |
| <input type="checkbox"/> Insured Mail              | <input type="checkbox"/> C.O.D.                         |

4. Restricted Delivery? (Extra Fee)  Yes

2. Article Number

(Transfer from service label)

7004 1350 0003 1200 2338 38

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540